

### **INSTRUCTIONS FOR FILING VARIANCE REQUEST**

1. YOU ARE REQUIRED TO DISCUSS YOUR APPLICATION AND PLANS WITH STAFF IN ORDER TO AVOID FILING AN INCOMPLETE APPLICATION. CALL THE CITY PLANNER AT 954/746-3281 TO SCHEDULE AN APPOINTMENT. PRE-APPLICATION MEETINGS MUST BE HELD AT LEAST FOURTEEN (14) DAYS PRIOR TO SUBMITTAL DEADLINE. ALL APPLICATION FEES, INCLUDING ADVERTISING AND POSTAGE/HANDLING MUST BE PAID AT THE TIME OF SUBMITTAL (See CITY OF SUNRISE PLANNING & DEVELOPMENT DEPARTMENT FEE SCHEDULE).
2. Application for Variance form (1 original and 11 copies) duly executed by owner.
3. Letter by applicant relative to reason for Variance request. Applicant must address seven (7) criteria of Section 16-270(d)(1)a. of the Land Development Code. (Twelve (12) copies)
4. Twelve (12) copies of Legal Description/Survey (if existing structure) indicating location of property.
5. Twelve (12) sets of photographs of existing structures on site.
6. Twelve (12) copies of any other information pertinent to the Variance request. (Site Plan for example)

**PLEASE NOTE: IF PLANS NEED TO BE REVISED AND RESUBMITTED WITH RESPONSES TO STAFF'S COMMENTS, IT IS REQUIRED THAT THE APPLICANT ATTACH THE REVISED DOCUMENTS TO THE ORIGINAL BACKUP MATERIAL AND STAPLE ALL TO THE REVISED PLANS.**

7. It is required that within a 300 foot radius of the property line of the property, which is the subject of this application that all property owners shall receive timely notification of said hearing. Therefore, the following is required of the applicant and must be provided with applicable fees at the time a public hearing is tentatively scheduled.
  - a. A certified list of names and addresses of all property owners located within the aforementioned radius of the exterior boundary of the subject property. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the appropriate radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel. All unit owners in a condominium must be notified.
  - b. One typewritten set of gummed labels with the above names and addresses printed thereon. These labels will be used by the City to notify the public of your hearing.
  - c. The certified list may be obtained in one of the following two ways:

- 1) The applicant may contract with any company listed below who will prepare the mailing list for a fee charged to the applicant. The City of Sunrise neither recommends nor endorses any of these companies, but is merely providing you with the names and phone numbers of those that are available. Fees may vary among these companies:

All Data Real Estate Systems	(954) 772-1800
Florida Real Estate Decisions	(954) 942-0344
Saltz Michaelson Architects	(954) 266-2700
Harmon Garrin Appraisals	(954) 587-5323
SS Consulting, LLC	(954) 786-5711

- 2) Alternatively, the applicant may go to the Department of Public Information of the Broward County Property Appraiser at 115 South Andrews Avenue, Room 111, Fort Lauderdale. The office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, Phone # (954) 357-6957. With the provision of the folio ID number, their staff will assist you in the determination of the radius and furnish you with the copies of the current tax roll. However, their staff will not certify the accuracy or completeness of the list. Therefore, the accurateness of the list provided to the City for mailing is done so at the owner/agent's risk and must be supplemented with the attached affidavit.

7. Sign on Site: At least thirty (30) days prior to the scheduled hearing before the City Commission, the applicant shall place upon the property a four foot by four foot (4'x4') sign(s) facing each of the road rights-of-way on which the property fronts. If the property does not front on a road right-of-way, the sign(s) shall be placed on the property in such a manner as to give maximum exposure to the public. The sign(s) shall remain on the property until the final disposition of the variance by the City Commission. It shall be removed within seven (7) days thereafter. Each sign shall contain large lettering which shall be easily read by the public from the perimeter of the property, and said lettering shall indicate:
  - a) project name
  - b) the type of variance (use) requested
  - c) address, date and time of City Commission hearing
  - d) phone number for information – (954) 746-3281

This application includes an affidavit for the required posting of hearing notice signs on the site, which must be completed, signed, notarized and submitted to the City immediately prior to the Planning and Zoning Board meeting. The applicant must also provide photograph(s) of the sign(s), signed and dated, and a copy of the plat or site plan indicating the locations(s) of the required signage in reference to the subject site.

**FAILURE TO COMPLY WITH THIS REQUIREMENT WILL DELAY THE APPROVAL PROCESS.**

8. Check made payable to the City of Sunrise in the amount indicated by the attached Schedule of Fees.
9. Applicant will attend the Board of Adjustment meeting and the City Commission meeting when request is considered.

10. Failure to comply with the aforementioned will result in the item being withheld from the agenda, withdrawn, or tabled at the meeting.
11. The Board of Adjustment meetings are held the first Tuesday of each month, unless otherwise stipulated, at 6:00 p.m. in the Commission Chambers.
12. The date of the City Commission meeting can be obtained from the Legislative Aide in the City Commission Office, Phone # (954) 746-3250.

As required by Section 16-48(d)(1)a. of the Land Development Code, the applicant must address the following:

**The Board of Adjustment shall approve a variance only after the applicant has demonstrated justification for the granting of a variance in conformance with the following criteria:**

1. That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.
2. That the circumstances, which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.
3. That the literal interpretation of the provisions of this ordinance would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this ordinance).
4. That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this ordinance.
5. That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
6. That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.
7. Under no circumstances shall the Board of Adjustment recommend a variance to permit use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

**CHECK LIST:**

- \_\_\_\_\_ Pre-application conference.
- \_\_\_\_\_ Completed executed application form. (Twelve (12) copies).
- \_\_\_\_\_ Twelve (12) copies of survey with legal description of property folded to legal size.
- \_\_\_\_\_ Twelve (12) copies of letter explaining the reason for variance. the reason for variance request, and include responses to seven criteria of Section 16-270(d)(1)a. of the Land Development Code.
- \_\_\_\_\_ Check payable to the City of Sunrise for filing fee, advertising, and postage.
- \_\_\_\_\_ Certified list (name & address) of property owners. One (1) set of gummed labels.
- \_\_\_\_\_ Twelve (12) copies of any other information pertinent to variance request (site plan for example). All plans must be folded to legal size.



**Planning and Development Department**

**Application for Variance**

1. Name of Development: \_\_\_\_\_
- Name of Applicant: \_\_\_\_\_
- Company Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

Contact Person/Agent: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

(IF AGENT, SUBMIT LETTER OF AUTHORIZATION)

2. Name of Property Owner \_\_\_\_\_
- Company Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

3. Legal description of property covered by this application:

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4. Address or location of subject property:

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5. Folio Number (with copy of recent tax bill) \_\_\_\_\_  
Current Zoning \_\_\_\_\_

6. Size of property \_\_\_\_\_ Ft. x \_\_\_\_\_ Ft. Acres \_\_\_\_\_

7. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property.

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\*8. Is there an option to purchase or lease subject property or property contiguous thereto, predicated on the approval of this application? Yes\_\_\_ No\_\_\_ If yes, who are the affected parties?

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\* *Copy of purchase contract must be submitted with this application.*

9. Nature of variance request:

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ATTORNEY AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am an Attorney at Law, who is licensed to practice in the State of Florida, who represents the Owner of the property described above, and which is the subject matter of a proposed public hearing; that all data and other supplementary matter attached to and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be accurately completed before a hearing can be advertised. I have advised my client that if any material misrepresentation is made regarding this application, either oral or written, can cause this application to be cancelled, and any variance granted may become voided by the City of Sunrise, at its sole option.

\_\_\_\_\_  
Signature

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name:\_\_\_\_\_

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CORPORATION AFFIDAVIT

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the President of \_\_\_\_\_, a corporation existing under the laws of the State of \_\_\_\_\_, and who is authorized by the corporation to file this application for public hearing; that all answers to the questions in said application, sketches, data, and other supplementary matter attached to and made a part of the application, are honest and true to the best of my knowledge and belief; that said corporation is the \_\_\_\_\_ owner \_\_\_\_\_ tenant of the property described herein and which is the subject matter of the proposed hearing. I understand this application must be accurately completed before a hearing can be advertised. In the event that I, or anyone appearing on behalf of the corporate applicant, am found to have made a material misrepresentation, either oral or written, regarding this application, it is understood that the application can be cancelled, and any variance granted may be made null and void by the City of Sunrise, at its sole option.

\_\_\_\_\_  
President's Signature (Corp. Seal)

ATTEST:

\_\_\_\_\_  
Secretary's Signature

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name: \_\_\_\_\_

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## DISCLOSURE OF OWNERSHIP

Please list below the name, address, and percentage of ownership of any owner of the real property that is the subject matter of this application. Include all parties who have a financial interest, either directly or indirectly, in the subject real property, including but not limited to, all shareholders, beneficiaries to a trust, partners to any partnership agreement, and members of an investment group involving local participation.

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**OWNER'S SWORN CONSENT**

**PERMITTING TENANT TO FILE FOR A HEARING**

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the owner of the Property described in the above application, which is the subject matter of the proposed hearing, and do hereby authorize \_\_\_\_\_, my tenant, to file this application for a public hearing.

\_\_\_\_\_  
Signature

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name: \_\_\_\_\_

Note: Each owner of the Property must execute this form.

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**OWNER'S SWORN CONSENT**

**PERMITTING CONTRACT PURCHASER TO FILE FOR A HEARING**

I, \_\_\_\_\_, being first duly sworn, depose and say that I am the owner of the Property described in the above application, which is the subject matter of the proposed hearing, and do hereby authorize \_\_\_\_\_, my contract purchaser, to file this application for a public hearing.

\_\_\_\_\_  
Signature

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name:\_\_\_\_\_

Note: Each owner of the Property must execute this form.

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AFFIDAVIT OF OWNER OR TENANT

I, \_\_\_\_\_ (all owners on deed / all tenants on lease), being first duly sworn, depose and say that I am the \_\_\_\_\_ owner \_\_\_\_\_ tenant (check one) of the Property described in the above application for public hearing; that all the answers to the questions in this application, sketches, data, and other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I understand this application must be accurately completed before a hearing can be advertised. In the event that I, or anyone appearing on my behalf, am found to have made a material misrepresentation regarding this application, I understand the application can be cancelled, and any variance granted can be made null and void by the City, at its sole option.

\_\_\_\_\_  
Print Name: \_\_\_\_\_

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name: \_\_\_\_\_

Affidavit – Section 16-48(e)(5) Posted Notice

VARIANCE

I, \_\_\_\_\_, as the \_\_\_\_ owner \_\_\_\_ authorized agent (check one) for the real property known as \_\_\_\_\_, located at \_\_\_\_\_, and legally described as \_\_\_\_\_, as recorded in the Broward County Records at Plat Book \_\_\_\_\_, Page \_\_\_\_\_ (if applicable), do hereby attest that I installed or caused to have installed, \_\_\_\_ sign(s) located on the above referenced property in compliance with City Code Section 16-48(e)(5) on \_\_\_\_\_, 20\_\_\_\_, which is at least 30 days in advance of the City Commission hearing on the variance for the proposed project scheduled for \_\_\_\_\_, 20\_\_\_\_.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Owner/Authorized Agent  
(Circle One)

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Print Name: \_\_\_\_\_

AFFIDAVIT OF OWNER OR AGENT  
Certification of Property List

I, \_\_\_\_\_ (as the owner or the authorized agent), for the property known as \_\_\_\_\_, specifically located at \_\_\_\_\_, and recorded in the \_\_\_\_\_ County Public Records in Plat Book \_\_\_\_\_, Page \_\_\_\_\_ being first duly sworn, depose and say that I am the owner or agent of the Property described in the above application for public hearing; that I have submitted or have caused to be submitted a Property Owner List located within a \_\_\_\_\_ 500 foot radius or \_\_\_\_\_ 300 foot radius (whichever is applicable) of the subject application and that to the best of my knowledge and belief said list is true and accurate.

The list of the names and addresses of all property owners located within the aforementioned radius of the exterior boundary of the subject property is to be made a part of this application. If the subject property constitutes only a portion of a contiguous ownership parcel, the exterior boundary from which the appropriate radius is to be projected will be the exterior boundary of the entire contiguous ownership parcel. All unit owners in a condominium building that partially falls within the applicable radius will be notified.

\_\_\_\_\_  
\_\_\_\_\_  
Print Name

State of \_\_\_\_\_,  
County of \_\_\_\_\_:

Sworn and subscribed to before me, a Notary Public, by \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, who is either personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission Expires:

\_\_\_\_\_  
Notary Public for the State of

\_\_\_\_\_  
Print Name

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